

# Discrimination Prevention Training

Vermont House of Representatives

February 10, 2023

# Topics Discussed

- Panel members
- Goals of training
- Who is covered by the House Policy?
- What is prohibited?
- Definitions
- Examples
- Summary of Panel procedures
- Role of legislative staff supervisors and Legislative Office of Human Resources
- Other resources

# House Discrimination Prevention Panel (2023–2024)



Rep. Pajala,  
Chair



Rep. Small,  
Vice Chair



Rep. Mattos



Rep. Burrows



Rep. Garofano

Pursuant to House Rule 90(a), the Rules Committee appoints five Panel members at the beginning of each biennium.

The House also has the Sexual Harassment Prevention Panel and the Ethics Panel.

# Goals of Training

- *Understanding discriminatory conduct*
- *Educating* individuals regarding their *options* if they've been discriminated against
- *Empowering* individuals to make an informed *choice* regarding whether and how to seek a resolution
- Fostering a *positive culture* in our workplace

# Who is Covered by the House Policy?

- **Covers:**
  - All House members
  - All General Assembly staff working in the House
- **Protects:**
  - Legislators
  - Staff
  - Legislative pages and interns
  - Members of the public, including lobbyists, advocates, and members of the press

# What is Prohibited?

The Policy prohibits:

- **discrimination**; and
- **retaliation** for:
  - reporting discrimination; or
  - cooperating with an investigation of discrimination.

## Definition of Discrimination

Discrimination is the unfair or unequal treatment of a person based on a protected characteristic and workplace harassment based on a protected characteristic.

Discrimination includes conduct that:

- limits, segregates, or classifies a person based on a protected characteristic in a manner that would deprive or tend to deprive the person of opportunities related to the person's work in the State House; or
- would otherwise adversely affect a person's status in relation to the person's work in the State House.

# What is a Protected Characteristic?

A protected characteristic is a person's:	
Race	Gender identity
Color	Ancestry
Religion	Place of birth
National origin	Age
Sex	Crime victim status
Sexual orientation	Physical or mental condition

# What is Workplace Harassment?

- Workplace harassment :
  - Is a form of discrimination.
  - "...means unwelcome conduct related to or directed toward a person on the basis of a protected characteristic," which includes "conduct that is personally offensive, fails to respect the rights of others, lowers morale, interferes with work, or violates a person's sense of well-being."
  - Can be verbal, physical, auditory, visual, or any combination of these.
- Workplace harassment:
  - Need not be severe or pervasive to violate the policy.
  - Does not include petty slights, minor annoyances, or disappointments that a person may encounter during the person's time in the State House.

# Examples of Workplace Harassment

- Unwanted or offensive jokes
- Slurs, epithets, or name-calling
- Mimicking or imitating the characteristics of a person
- Hazing
- Physical assaults or threats
- Intimidation, ridicule, or mockery
- Insulting or putting down a person

## Examples of Workplace Harassment

- Offensive objects or pictures
- Retaliation of any kind for having filed or supported a complaint of discrimination
  - e.g., ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person's duties or work environment
- Derogatory or provocative remarks
- Interference with a person's work
- Off-duty conduct that falls within any of these examples and affects the legislative work environment

We all have a right to a safe and professional work environment, free from discrimination!

If you are discriminated against,

*no matter your position or the position of the person discriminating against you,*

you have a right to tell the person to **STOP!**

# Options for Individuals who Experience or Witness Discrimination

- A person who believes they have been discriminated against by a Representative or legislative staff person, or a person who believes they have witnessed discrimination, has the following options:
  - Speak with the individual who engaged in the discriminatory behavior
  - Speak with a member of leadership or a supervisor and ask for help:
    - Includes leadership, committee chairs, and legislative staff supervisors
  - Speak with the Legislative Office of Human Resources and ask for help
  - Speak with a member of the House Discrimination Prevention Panel
  - Contact the EEOC, the Attorney General's Office, the Human Rights Commission, or a private attorney

## Duty to Ensure that Discrimination Stops

- Leadership, supervisors, the Panel, and the Legislative Office of Human Resources are legally obligated to take immediate and appropriate action to prevent further violations of this Policy, regardless of whether an individual wishes to pursue a resolution.
- Possible actions:
  - Developing a safety plan with the individual who experienced discrimination
  - Taking informal action to ensure that discriminatory behavior stops
  - For the Panel, initiating a formal investigation on its own motion

# The Panel's Formal and Informal Processes

## Informal Process

- Person who experienced discrimination, witness, supervisor, or member of leadership can initiate process by contacting Panel member
- Panel member(s) discuss issue with person who experienced discrimination and proceed with informal resolution if allowed
- No findings regarding whether discrimination occurred
- Goal is to ensure potentially discriminatory behavior stops
- Confidential, except Panel members and staff share information among themselves as needed

## Formal Process

- Initiated by a written complaint from person who experienced discriminatory behavior
- Opportunity for person who allegedly discriminated to respond to complaint
- Formal investigation by outside counsel/investigator
- Finding of whether discrimination occurred
- Panel can recommend corrective action
- May lead to a formal hearing
- Confidential, except Panel members and staff share information among themselves as needed

## Possible Corrective Actions

- For Representatives, may include counseling or training, removal from a committee, censure, or expulsion.
- For legislative staff, may include counseling or training, reprimand, loss of pay or vacation days, demotion, or termination.

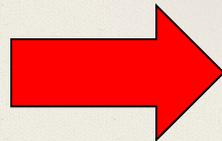
# Time Frame and Confidentiality

- **Time frame for Panel action:**
  - The Panel must act *as soon as reasonably possible*.
- **Confidentiality:**
  - Panel members, Panel staff, and any person the Panel contracts with in relation to a complaint are required to *keep all related information confidential* except as provided in the Policy.
  - Panel records are *not subject to the Public Records Act*.
  - The Panel Chair or the Speaker will issue a public statement for publicly noticeable corrective actions, such as censure, removal, expulsion, demotion, or termination.

## Staff Resources

- Staff supervisors and the Legislative Office of Human Resources are a resource for persons who experience discrimination.
- Legislative employees are welcome—**and encouraged**—to speak with their supervisor or the Legislative Office of Human Resources about any situations they have experienced that have made them feel uncomfortable.
- Supervisors and the Office of Legislative Human Resources are legally required to take immediate and appropriate action to make discrimination **STOP** whenever they become aware of it.

Where Can I Find a Copy of the Policy?



**VERMONT GENERAL ASSEMBLY**

SEARCH FOR: [Bill or Resolution](#) [Legislator](#) [Committee](#) [How to use this search](#)

Enter bill number, title or keyword **SEARCH**

[BILLS & RESOLUTIONS](#) [COMMITTEES](#) [VERMONT LAWS](#) [HOUSE](#) [SENATE](#) [JOINT FISCAL OFFICE](#) [REPORTS & RESEARCH](#) [THE STATE HOUSE](#) [STAFF & OFFICES](#)

**2023-2024 Session**  
[Change Session](#)

**HOUSE DISCRIMINATION PREVENTION PANEL**

Rep. [Kelly Pajala](#), Chair  
Rep. [Taylor Small](#), Vice Chair  
Rep. [Elizabeth Burrows](#)  
Rep. [Rey Garofano](#)  
Rep. [Christopher Mattos](#)

**Lindsey Schreier**, *Committee Assistant*  
(802) 828-5850  
[lschreier@leg.state.vt.us](mailto:lschreier@leg.state.vt.us)  
[Information for Witnesses](#)

**ADDITIONAL INFORMATION**

[2022 House Discrimination Prevention Policy](#)  
[2022 Rules of Procedure](#)

**House Discrimination Prevention Panel**

The House Discrimination Prevention Panel receives and investigates complaints of alleged discrimination involving members of the House and legislative staff working in the House. The Panel also adopts and updates the House Policy for the Prevention of Discrimination.

Meeting Schedule: *No meeting is currently scheduled*  
[Previous Meetings](#)

Watch Online: [Livestream](#)

**Documents & Handouts** [Bills in/out of Committee](#)

**Documents & Handouts**

Browse documents below or use document search.

**Document Search** [How to use this search](#)

Full text search - enter one or more words **SEARCH**

^ Hide Search ^

Materials posted on this page are for informational purposes only and may not include all material received by the Committee. The Committee is not responsible for the accuracy of posted material, and posting does not represent approval or endorsement by the Committee or the Vermont General Assembly.

Browse by: [Date](#) [Bill](#) [Other Documents](#) [Witness](#) [Reports & Resources](#)

Legislative language and other materials posted on this page are subject to frequent change and may not reflect the Committee's most recent discussions or actions. Please check back often for updated materials.

## Other Resources

- Complaints may also be made to:
  - A ***court*** through a private attorney
  - ***Equal Employment Opportunity Commission (EEOC)***,  
John F. Kennedy Federal Building  
15 New Sudbury St., Room 475, Boston, MA 02203  
tel. (800) 669-4000
  - ***Vermont Human Rights Commission***  
14-16 Baldwin St., Montpelier, VT 05633  
tel. (800) 416-2010
  - ***Vermont Attorney General***, Civil Rights Unit  
109 State St., Montpelier, VT 05609  
tel. (802) 828-3657

## Conclusion

- We all have a right to a safe and professional work environment free from discrimination.
- We can all be a part of *fostering a positive culture* for our work environment.
- We all have a right to report discrimination and to take action to make it **STOP!**

## Questions or Concerns?

If you have questions or concerns, you can contact:

Any member of the House Discrimination Prevention Panel

Damien Leonard, Legislative Counsel  
[dleonard@leg.state.vt.us](mailto:dleonard@leg.state.vt.us)

Arlene Donovan, Director, Legislative Human Resources  
[adonovan@leg.state.vt.us](mailto:adonovan@leg.state.vt.us)

Eliza Giroux, Legislative Human Resources Generalist  
[egiroux@leg.state.vt.us](mailto:egiroux@leg.state.vt.us)